

United States Bankruptcy Court
Western District of North Carolina
Charlotte Division

Michael Robert Jones

Case Number: 21-30537

Carla Jean Jones

Chapter 7

Plaintiff

v.

Internal Revenue Service

Defendant

FILED
U.S. BANKRUPTCY COURT, WDNC

DEC 13 2021

Steven T. Salata, Clerk
Charlotte Division/CCH

Complaint to determine the dischargeability of tax debt.

Plaintiff: Michael Robert Jones and Carla Jean Jones are citizens of both North Carolina and the United States, who reside in Gastonia, North Carolina which is within the jurisdiction of the Western District of North Carolina.

Defendant: Internal Revenue Service, Ogden, UT 84201

1. Michael (age 55) and Carla (age 52) were married in April 2005. We have two sons, ages 11 years and 8 years old. We recently had to move out of California when, due to COVID affecting his business, Michael had to close his chiropractic office after 16 years of serving the public. We did not own a

home or any real estate, and left California with only our personal belongings. We are currently living with Carla's sister in Gastonia, North Carolina.

2. We have done our best over the years to pay our taxes. We have sought council and direction from our tax advisors and have made decisions based on their recommendations. While being one of the most prosperous states, California is also one of the most expensive, and we were never able to get ahead enough to get past the basic needs for our family.
3. We have made Installment Agreements in the past and have always made payments consistently. In spite of this, we have not been able to keep up or get ahead and have watched our tax debt slowly increase over the years.
4. Our tax debt is from tax years 2016 and 2017; our debt is comprised of \$35,909.96 and \$25,830.21 respectfully. The total due is \$61,740.17.

5. We believe that this tax debt is dischargeable in our Chapter 7 Bankruptcy

case based on that it meets all five of these rules:

- a. The due date for filing the tax return in question was at least three years ago.**
 - i. The due date for tax year 2016 was 2017.**
 - ii. The due date for tax year 2017 was 2018.**
- b. The tax return was filed at least two years ago.**
 - i. 2016 was filed electronically in 2017**
 - ii. 2017 was filed electronically in 2018**
- c. The tax assessment is at least 240 days old.**
 - i. The tax assessment on these prior years is more than 240 days old.**
- d. The tax return was not fraudulent.**
 - i. The tax returns have not been found to be fraudulent.**
- e. The taxpayer is not guilty of tax evasion.**
 - i. The tax payer(s) are not guilty of tax evasion.**

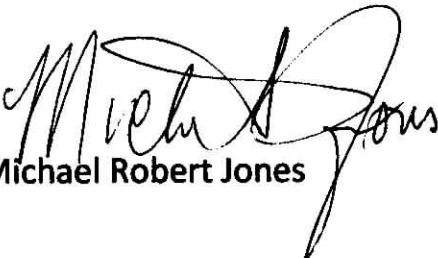
Michael Robert Jones and Carla Jean Jones v. Navient Solutions, LLC
Complaint to Determine the Dischargeability of Tax Debt


Adversary Proceeding No.

We respectfully ask the Western District of North Carolina Bankruptcy Court to:

- Determine that in accordance with Bankruptcy Tax Guide, Publication 908 (Rev. February 2021), page 27 under Discharge of Unpaid Tax for Chapter 7 Cases, our tax debt qualifies to be discharged.
- Determine that Michael and Carla's taxes are discharged in our bankruptcy proceeding.
- Grant such other relief this Court deems just and proper.

Respectfully submitted,


Michael Robert Jones


Carla Jean Jones